

REMARKS

This is a response to the non-final office action mailed by the examiner on Sept. 22, 2005.

5 The examiner rejected claims 1-14 under 35 U.S.C. 112, 2nd paragraph as being indefinite. Claims 15-16 were rejected under 35 U.S.C. 102(b) as being anticipated by Diessel et al. Claims 1-14 were rejected under 35 U.S.C. 103(a) as being unpatentable over Diessel et al. in view of 10 Wada et al. Claims 17-18 were rejected as under 35 U.S.C. 103(a) as being unpatentable over Diessel et al. in view of Clark. Claims 19-20 were rejected under 35 U.S.C. 103(a) as being unpatentable over Diessel et al. in view of Kamentsky et al.

15 The applicant has amended the claims to claim controlling the motion of the fluid in the sorter using a stepping precision pump and by causing the pump to stop its motion when the desired cell is detected in the correct position to enter an exit port. The gate is then caused to 20 select the exit port rather than a waste port, and the pump is pulsed or moved exactly the fluid distance to cause the one selected cell to enter the exit port. The gate can then be changed back, and the selected cell removed from

the exit port. This operation is disclosed in the applicant's description on page 7.

None of the cited art describes this type of a fluid control sorting operation. Therefore, none of these
5 references anticipates or renders obvious the claims as amended, either alone or in combination.

For these reasons, the applicant feels that the claims are now allowable. The examiner is respectfully requested to place the case in condition for allowance at her
10 earliest convenience.

Respectfully submitted



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This paper is being submitted by United States First Class Mail with sufficient postage addressed to Commissioner for Patents, P.O. Box 1450, Alexandria VA. 22313-1450 on:

30 Date: DEC. 20, 2005

Signature: Clifford Kraft

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